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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,229	07/29/2003	Maurizio Pili	1509-426	4757
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EXAMINER KIANERSI MITRA				
ART UNIT 2445		PAPER NUMBER		
NOTIFICATION DATE 01/25/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/628,229

Applicant(s)

PILU ET AL.

Examiner

Mitra Kianersi

Art Unit

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/GS/US)
- Paper No(s)/Mail Date 07/29/2003

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

Applicant's arguments filed 09/25/2009 have been fully considered but they are not persuasive.

Paragraph [A]: Applicant on page 16, lines 12-15 argues that the Kelly et al. (US PG PUB: 2003/0206182) fails to teach or suggest generating and transmitting a control data set representing a derived pictorial data and corresponding to the operations to be performed by the second network element. Examiner's reply: Kelly illustrates transmitting the control data set from the first network element to the second network element via the network in Fig. 3; and also recreating the derived visual pictorial data with a processing means of the second network element by use of the control data shown as 66, 68, 70, and 72 in Fig. 3. The disclosed limitation is similar to displaying the local visual pictorial media data in accordance with the derived visual pictorial media data upon viewing means of the second network element.

Paragraph [B]: Applicant on page 17, lines 10-12 argues that the Kelly et al. fails to teach or suggest using a received control data set and locally stored pictorial media data to recreate derived visual pictorial data. Kelly illustrates transmitting the control data set from the first network element to the second network element via the network in Fig. 3; and also recreating the derived visual pictorial data with a processing means of the second network element by use of the control data shown as 66, 68, 70, and 72 in Fig. 3. The disclosed limitation is similar to displaying the local visual pictorial media data in accordance with the derived visual pictorial media data upon viewing means of the second network element.

Paragraph [C]: Applicant on page 17, lines 19-21 argues that Kelly et al. fails to teach or suggest transmitting the combined presentation via a network. Although, Kelly et al. does not explicitly specify the control and image data are transmitted via a network, Harris teaches conveying weather information operates in a computer or network environment. Such a system includes a web server, electronic mail server, electronic bulletin board, or other digital data processing device that transmits or maintains for downloading weather images of the type described above (or data for constructing such

images) for display on a user's computer. Such a system, according to related aspects of the invention, permits personalization or customization of the reports, for example, by display of user-selected landmarks or scenery, see col. 2 lines 1-9, because Kelly in [0004] teaches computer-based systems, including detailed computerized geographic maps, and other graphics generating capabilities, may be employed to combine the information provided from various weather information sources and forecast models into an integrated weather report. Computer-generated graphics are often combined with live presenters and live or recorded video clips to provide a complete weather presentation to a viewer as part of a televised weather presentation. For example, such a presentation may include live video of current weather conditions, or recorded video clips of weather conditions occurring during the day for which the weather. By combining the teachings of Harris into Kelly the transmission through a network is provided. Such methods and systems can also be utilized in connection with TV, the internet and other electronic media.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al. (US PG PUB: 2003/0206182) and further in view of Harris et al. (US Patent No: 6,496,780)

Kelly teaches a method of viewing visual pictorial media across a network comprising the steps of, see [0003] i.e., Weather information sources which may be employed by the meteorologist to generate a weather presentation include local and remote weather

stations. Kelly in fig. 3 teaches storing respective local visual pictorial media data corresponding to the same visual pictorial media (i.e. the record time-lapse video #62) on first and second network elements connected to the network; Examiner equates #62 and # 64 as first network and #72 as second network in fig. 3 of Kelly. creating derived visual pictorial media data from the locally stored visual pictorial media data with a processing means of the first network element; Kelly teaches automatically generating a control data (i.e., shown in fig. 3 # 64 record weather condition information) set representing the derived visual pictorial data and corresponding to operations to be performed by a processing means to create the derived visual pictorial media data i.e. #72 in fig. 3; Kelly illustrates transmitting the control data set from the first network element to the second network element via the network, v) accessing the local visual pictorial media data stored on the second network element in response to receiving the control data set; (Kelly in Fig. 3 teaches recreating the derived visual pictorial data with a processing means of the second network element by use of the control data set, and the local visual pictorial media data stored on the second network element (i.e. shown as 66, 68, 70, and 72 in fig. 3 that is similarly displaying the recreate derived the local visual pictorial media data on viewing means of the second network element, e.g., at #72. Kelly is silenced in explicitly specify the control and image data are transmitted via a network. Harris teaches conveying weather information operates in a computer or network environment. Such a system includes a web server, electronic mail server, electronic bulletin board, or other digital data processing device that transmits or maintains for downloading weather images of the type described above (or data for constructing such images) for display on a user's computer. Such a system, according to related aspects of the invention, permits personalization or customization of the reports, for example, by display of user-selected landmarks or scenery, see col. 2 lines 1-9.

However, it would motivate a person skilled in the art to combine the two cited references, because Kelly at [0004] teaches computer-based systems, including detailed computerized geographic maps, and other graphics generating capabilities,

may be employed to combine the information provided from various weather information sources and forecast models into an integrated weather report. Computer-generated graphics are often combined with live presenters and live or recorded video clips to provide a complete weather presentation to a viewer as part of a televised weather presentation. For example, such a presentation may include live video of current weather conditions, or recorded video clips of weather conditions occurring during the day for which the weather report is provided. Thus, it would have been obvious to one of ordinary skill in the art to combine the teachings of Harris into Kelly in order to be able to transmit via a network providing such methods and systems as can be utilized in connection with TV, the internet and other electronic media.

Claim 2, the step of creating the derived visual pictorial media is performed automatically; see Kelly at [0003].

Claim 3, wherein the step of creating the derived visual pictorial data comprises selecting a portion of the locally stored visual pictorial media data corresponding to a portion of the visual pictorial media, Kelly teaches at [0008] i.e. For a presentation of forecast weather conditions, the time-lapse photography video image sequence may be selected from a database of stored prerecorded sequences, with the dynamic graphical information presentation derived from forecast weather condition information.

Claim 4, comprising displaying the portion of the locally stored visual pictorial media upon viewing means of the first network element substantially synchronously with the displaying of step (vi), Kelly teaches at [0009] i.e., provides a system and method for combining a time-lapse photography video image sequence with time synchronized graphical information.

Claim 5, a method in which the visual pictorial media data stored on the first and second elements are identical, see rejection of claim 1, in fig. 3 of Kelly illustrates the claimed limitations.

Claim 6, comprising using visual pictorial saliency techniques to select the portion of the visual pictorial media automatically, Kelly teaches in fig. 2 element #52 as changes to temperature.

Claim 7, comprising including in the automatically generated control data set spatial and temporal locational information detailing a sub-set of video visual pictorial media, Harris teaches clearly in figs. 2-9.

Claim 8, comprising sharing a rostrum path between the first and second network elements, see Kelly's and Harris's abstracts.

Claim 9, comprising transferring visual pictorial media data from the first network element to the second network element prior to step (i), claim 9 is rejected with similar reasons as set forth in claim 1.

Claims 10-11, 15-16, 18, 22, and 25-26 are rejected with similar reasons as set forth in claim 1, above.

Claim 12, the limitations are taught by Kelly in fig. 2.

Claims 13, 17, 23 are rejected with similar reasons as set forth in claim 4, above.

Claim 14 is rejected with similar reasons as set forth in claim 1, above. However, Harris in fig. 11 illustrates networks #535, #520, #510, #480, and etc.

Claims 19-21 are rejected with similar reasons as set forth in claim 6, above.

Claim 24 is taught by Kelly in fig. 1.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Kianersi whose telephone number is (571)272-3915. The examiner can normally be reached on 8:00AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571)272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

/Mitra Kianersi/
Examiner, Art Unit 2445

/Rupal D. Dharia/
Supervisory Patent Examiner, Art
Unit 2400

01/14/2010